



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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161531

JAN 16 1990

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Ceiling Increase Request for the Shaffer Equipment Site, Minden, WV
-- TRANSMITTAL MEMORANDUM

FROM: Hans J. Crump-Wiesner, Acting Director
Emergency Response Division

TO: Don R. Clay
Assistant Administrator

THRU: Henry L. Longest II, Director
Office of Emergency and Remedial Response

Attached is a request dated November 17, 1989, from the Region III Regional Administrator for a \$65,620 ceiling increase to the Shaffer Equipment site. If approved, the total project ceiling will be raised from \$4,245,280 to \$4,310,700.

On August 7, 1989, the Acting Assistant Administrator for the Office of Solid Waste and Emergency Response approved a ceiling increase for emergency response activities. These response activities abated a fire/explosion and human direct contact threat posed by twenty-one deteriorating and unsecured drums, and the contaminated soil and wastewater which surrounded them. The drums, soil, and wastewater have been stabilized, analyzed and disposed. During the response action, Region III unintentionally exceeded the established project ceiling. This waiver request is needed to bring the official project ceiling up to the costs that were actually incurred.

I recommend that you approve this increase of \$65,620 in the total project ceiling for removal response actions at the Shaffer Equipment site. You may indicate your decision on the attached Regional action memorandum.

Attachment

AR200012

ORIGINAL
(RED)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

841 Chestnut Building
Philadelphia, Pennsylvania 19107

SUBJECT: Request for Removal Action and
Exemption from the \$2 Million
Limit at the Shaffer Site-Minden,
Fayette County, West Virginia

DATE: NOV 17 1988

FROM: Thomas C. Voltaggio, Director
Superfund Office (3HW02)

TO: Edwin B. Erickson
Regional Administrator (3RA00)

ISSUE

The attached justification for a ceiling increase under the Comprehensive Environmental Response Compensation, and Liability Act (CERCLA) pertains to the Shaffer Equipment Site, Minden, Fayette County, West Virginia.

Removal actions performed under the On-Scene Coordinator's Delegation of Authority (14-1-A, 9/13/87) were initiated in accordance with the National Contingency Plan due to the direct contact threats present on site. Additional funds are necessary to cover unanticipated costs associated with the disposal of 21 drums of toxic hazardous substances, 30 tons of contaminated soil and approximately 3,300 gallons of contaminated waste water.

The removal actions meet the criteria of the National Contingency Plan, 40 C.F.R. Section 300.65 and Section 104(c) (1) of CERCLA. I recommend that you approve this request for the additional funds in the amount of \$65,620 raising the total project ceiling to \$4,310,700.

AR200013

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

841 Chestnut Building
Philadelphia, Pennsylvania 19107

SUBJECT: Request for Removal Action and
Exemption from the \$2,000,000
Limit at the Shaffer Site, Minden,
Fayette County, West Virginia

DATE NOV 17 1989

FROM: Edwin B. Erickson
Regional Administrator (3RA008)

TO: Donald Clay, Assistant Administrator
Office of Solid Waste Emergency Response (OS-100)

THRU: Henry L. Longest, II, Director
Office of Emergency and Remedial Response (OS-200)

ATTN: Timothy Fields Jr., Director
Emergency Response Division (OS-210)

I. ISSUE

This justification for a ceiling increase under the Comprehensive Environmental Response Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601 et seq., pertains to the Shaffer Equipment site, Minden, Fayette County, West Virginia.

The National Contingency Plan (NCP) 40 C.F.R. Section 300.65 specifies the criteria for removals funded by CERCLA. The threat at the Shaffer Equipment Site was due to the presence of leaking deteriorated drums causing a fire/explosion and direct human contact threat. Additional funds are now being requested to cover unanticipated costs associated with sample analysis and disposal activities.

II. BACKGROUND

An extensive Superfund removal action occurred at the Shaffer Equipment Site between 1984 and 1987. During this period, disposal of approximately 5,000 cubic yards of PCB-contaminated soil was performed. At the time of the disposal operations, 19 drums of potentially hazardous materials were located in a dike area west of the soil pile. Anna Shaffer, a potentially responsible party, was given notice regarding these drums and was provided with a list of qualified cleanup companies capable of making disposal arrangements. Mrs. Shaffer stated that she would contract a firm to sample and dispose of the drums.

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On April 24-25, 1989 EPA revisited the site at the request of the "Concerned Citizens to Save Fayette County" group. Senator Rockefeller was in attendance to answer queries regarding the previous PCB removal operation.

The 19 drums which Anna Shaffer had agreed to assume responsibility for were still onsite and in a continuing state of deterioration. EPA OSC again contacted Anna Shaffer and gave her the option of disposing the drums or having EPA utilize CERCLA funds to mitigate the threat. Mrs. Shaffer indicated that she did not have the resources to remove the drums. In addition, Mrs. Shaffer directed the OSC to two additional drums located near the Shaffer building. The threat posed to the residents of Minden prompted the OSC to initiate emergency stabilization measures pursuant to the Delegation of Authority 14-1-A.

On May 2, 1989 EPA, TAT and ERCS mobilized to initiate stabilization activities. Initial inspection by the OSC and TAT revealed 19 deteriorated, leaking drums staged in a containment pond with approximately 3,300 gallons of standing water. Extensive soil contamination was apparent given the condition of the drums. Two additional drums located adjacent to the Shaffer building appeared to contain waste oils which, later were determined to be flammable. Initial stabilization actions included the removal of the drums from the containment pond, sampling for disposal and overpacking. A stainless steel tanker was used for storage of the water while the contaminated soil was excavated and staged in a roll-off box. Analytical data later revealed the presence of heavy metals, volatile organics, and polychlorinated biphenyls.

On August 23, 1989 EPA, TAT and ERCS remobilized to the site to complete disposal activities. All hazardous substances were properly transported and disposed of at an approved disposal facility. Additional funds were necessary, however, for the completion of the project, thus mitigating the direct contact threat posed by the contaminated materials.

III - STATUTORY CRITERIA

Section 104 (c) (1) of CERCLA, 42 U.S.C. 9604 (c) (1) limits Federal emergency response to \$2,000,000 unless three basic criteria are met:

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1) Continued response actions are immediately required to prevent, limit, or mitigate an emergency; 2) there is an immediate risk to public health or welfare or the environment; and 3) such assistance will not otherwise be provided on a timely basis. The explanation as to how these criteria are met here are set forth in the "Continuation of Removal Activities at the Shaffer Site" dated May 2, 1989.

Additional funding is necessary to cover unanticipated costs associated with the completed disposal analysis and final waste disposal. The following factors necessitate this request for additional funds:

- Approximately 20 samples were originally targeted for full scan analysis. However, after consultation with the Regional Safety Officer, it was advised that 31 samples be collected to assure disposal approval and effectiveness of the removal.

- A considerable amount of rain, thunder and lightning hindered site activities, which in turn led to operational delays. In addition, the excavated soil which absorbed rain water during operations had to be treated for excess moisture content at the landfill.

All of the abovementioned factors contributed to the minor cost overrun incurred during the final removal activities at the site.

NPL Status: The Shaffer Equipment Site is not currently on the NPL. However, EPA is planning an investigation to be conducted within a four-mile radius of the Shaffer Site to determine NPL status. The future timetable of the investigation is currently being resolved.

III PRESENT SITUATION

All removal and disposal operations have been completed at this site. Hazardous substances disposed of include: 21 drums of flammable paints, wastes and solvents; approximately 30 tons of contaminated soil; and 3,300 gallons of contaminated waste water.

IV. ENFORCEMENT STATUS

See Confidential Enforcement Status (attached).

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V. PROPOSED ACTIONS AND COSTS

No further emergency removal actions are anticipated at this time. This additional funding request is to cover cost overruns incurred as previously stated.

COST SUMMARY

Extramural Costs	
Cleanup contractor	\$49,500
TAT	11,000
Total Extramural Costs	\$60,500
Intramural Costs	
Direct Costs	\$ 2,000
Indirect Costs	3,120
Total Intramural Costs	5,120
Total Costs Requested	\$65,620
Current Project Ceiling	\$4,245,000
Projected Total Project Ceiling	\$4,310,700

VI. RECOMMENDATION

Because the conditions at the Shaffer Equipment Site meet the criteria for a removal action under Section 300.65 of the NCP and CERCLA Section 104 (c)(1) criteria, I recommend your approval of the \$65,620 ceiling increase to cover cost overruns incurred at this site. Your approval will increase the total project ceiling from \$4,245,080 to \$4,310,700. You may indicate your approval by signing below.

APPROVED W. A. G. [Signature] DATE 1/12/90

DISAPPROVED _____ DATE _____

AR200017

FACT SHEET
SHAFFER EQUIPMENT SITE
MINDEN, WEST VIRGINIA

ISSUE: Region III is seeking AA/OSWER approval of a ceiling increase for the Shaffer Equipment site. The Region is requesting a \$65,620 increase, which would raise the total project ceiling from \$4,245,280 to \$4,310,700. The additional funds are needed for unexpected analytical costs already incurred.^{*} Region III's 1st quarter FY-90 removal allocation contains sufficient funds for this action.

BACKGROUND: The first EPA removal action occurred at this site between 1984 and 1987. PCB contaminated soil and debris were excavated and disposed of offsite. At that time, the PRP was given notice to dispose of approximately 19 deteriorating and leaking drums still onsite. In late April 1989, EPA revisited the site at the request of a local citizens group and Senator Jay Rockefeller, and found that the PRP had not removed the 21 deteriorating drums. The PRP was again asked to remove the drums, but declined. On August 7, 1989, the AA/OSWER approved a ceiling increase for the proper removal and disposal of the drums, contaminated soils and wastewater. The response activities abated the fire/explosion and human direct contact threat posed by these unsecured materials. During the response action, Region III unintentionally exceeded the project ceiling.

ACTIONS TO BE TAKEN: All response actions are complete. This waiver request is needed to bring the official project ceiling up to the costs that were actually incurred.

ENFORCEMENT:

RECOMMENDATION: OERR recommends that the AA/OSWER approve this ceiling increase request to complete the removal action at this site.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D C. 20460

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JAN 3 1990

MEMORANDUM

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

SUBJECT: Shaffer Equipment Removal Site, Minden, WV -- Removal Action

FROM: Hans J. Crump-Wiesner, Acting Director
Emergency Response Division

TO: Thomas Voltaggio, Associate Director
Hazardous Waste Management Division
Region III

Sam Engelbert

The purpose of this memorandum is to communicate my concern with shortcomings of the June 21, and November 17, 1989 ceiling increase requests submitted for the removal action at the Shaffer Equipment site, in Minden, West Virginia.

As you may recall, on May 10, 1989, ERD gave you verbal approval to continue site actions that went beyond the existing project ceiling. This verbal approval was given with the understanding that the formal action memo would be sent to Headquarters within a few days. We did not receive this action memo until six weeks later on June 21, 1989.

When the June 21, 1989 ceiling increase request was in the Headquarters approval process, my staff encouraged your staff to anticipate sufficient contingency funds in the proposed total project ceiling. Your staff indicated that they were certain every aspect of this straightforward removal had been anticipated and that there would not be any cost surprises. This, of course did not turn out to be the case. The overrun is especially puzzling because apparently the need for additional costs were the results of requirements by the Region's Safety Officer and should have been foreseen.

The need for the current November 17, 1989, ceiling increase was never communicated verbally to Emergency Response Division prior to the finalized request being transmitted to Headquarters. In these kinds of circumstances we should be notified as soon as you realize there is a problem. Then we can work together to find the best solution.

Please emphasize to your OSC's and administrative staff that it is their responsibility to see that project ceilings are not exceeded. If there is any chance that a ceiling increase is needed, you must begin preparation of a waiver request in time to get it processed and approved. In these rare cases where you may unexpectedly find a project up against a ceiling and you cannot afford to have the work stop, let us know so that we can obtain approval, which will suffice to keep the action legal.

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